

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

**SENATE BILL**

**No. 969**

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**Introduced by Senator Vargas**

January 17, 2012

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An act to add Article 7 (commencing with Section 4918) to Chapter 11 of Division 2 of the Business and Professions Code, relating to pet grooming.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Vargas. Pet groomers.

Existing law provides for the licensure and regulation of veterinarians and registered veterinary technicians by the Veterinary Medical Board.

This bill would create the California Pet Grooming Council and would ~~require~~ *make it an unfair business practice* for any person engaged in pet grooming ~~to be to advertise or hold himself or herself out as a registered, certified, or licensed pet groomer without being certified and regulated by the council. The bill would establish the requirements necessary to obtain a certificate as a pet groomer or a pet bather and brusher and set forth the duties and obligations of a certified pet groomer or a pet bather and brusher, as specified. The bill would set forth the duties of the council with regard to the regulation of pet groomers and pet bathers and brushers and require the board to adopt a fee schedule that would apply to certificate holders and pet grooming schools. The bill would set forth standards for discipline and authorize the council to impose administrative penalties for a violation of these provisions. The bill would provide that a violation of these provisions is a crime, thereby imposing a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

SECTION 1. Article 7 (commencing with Section 4918) is added to Chapter 11 of Division 2 of the Business and Professions Code, to read:

Article 7. Pet Groomers

4918. The following definitions shall apply for purposes of this article:

(a) "Council" means the California Pet Grooming Council.

(b) "Pet" means any animal placed in the care of a pet groomer for grooming or styling.

(c) "Pet groomer" means an individual, licensed as a pet groomer, who bathes, brushes, clips, or styles a pet for compensation.

(d) "Pet grooming" means the act of bathing, brushing, clipping, or styling a pet.

(e) "Pet grooming facility" means a commercial establishment where a pet may be bathed, brushed, clipped, or styled.

4918.1. (a) The California Pet Grooming Council shall be created and shall have the responsibilities and duties set forth in this article. The council may take any reasonable actions to carry out the responsibilities and duties set forth in this article, including, but not limited to, hiring staff and entering into contracts.

(b) (1) The council shall be composed of the following members:

(A) Two members from Society for the Prevention of Cruelty to Animals (SPCA) associations, one from northern California, and one from southern California, unless that entity chooses not to exercise this right of selection.

1 (B) One member selected by each state or nationwide pet  
2 specialty retailer that provides pet grooming services, with gross  
3 annual sales exceeding one hundred fifty million dollars  
4 (\$150,000,000), unless the entity chooses not to exercise this right  
5 of selection.

6 (C) One member selected by the State Humane Association of  
7 California, unless that entity chooses not to exercise this right of  
8 selection.

9 (D) One member selected by the Director of Consumer Affairs,  
10 unless he or she chooses not to exercise this right of selection.

11 (E) One member selected by the Veterinary Medical Board,  
12 unless that entity chooses not to exercise this right of selection.

13 (F) One member selected by the California Animal Control  
14 Directors Association, unless that entity chooses not to exercise  
15 this right of selection.

16 (G) One member selected by the National Dog Groomers  
17 Association of America, Inc., unless that entity chooses not to  
18 exercise this right of selection.

19 (H) Two members selected by the State Bar of California, who  
20 have animal law experience and who have been nominated by a  
21 fellow animal law attorney, unless that entity chooses not to  
22 exercise the right of selection.

23 (2) The council's bylaws shall establish a process for appointing  
24 other professional members as determined by the council.

25 (3) The initial members of the council shall establish the council,  
26 initiate the request for tax-exempt status from the Internal Revenue  
27 Service, and solicit input from the pet grooming community  
28 concerning the operations of the council. The initial members of  
29 the council, in their discretion, may immediately undertake to issue  
30 the certificates authorized by this article after adopting the  
31 necessary bylaws or other rules, or may establish by adoption of  
32 bylaws the permanent governing structure prior to issuing  
33 certificates.

34 (c) The council shall establish fees reasonably related to the  
35 cost of providing services and carrying out its ongoing  
36 responsibilities and duties. Initial and renewal fees shall be  
37 established by the council annually.

38 (d) The meetings of the council shall be subject to the rules of  
39 the Bagley-Keene Open Meeting Act (Article 9 (commencing with

1 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of  
2 the Government Code).

3 4918.2. (a) The council shall issue a certificate under this  
4 article to an applicant who satisfies the requirements of this article.

5 (b) In order to obtain certification as a pet groomer, an applicant  
6 shall submit a written application and provide the council with  
7 satisfactory evidence that he or she meets all of the following  
8 requirements:

9 (1) The applicant is 18 years of age or older.

10 (2) The applicant has successfully completed, ~~at an approved~~  
11 ~~school,~~ a curriculum, *approved by the council*, in pet grooming  
12 and related subjects, totaling a minimum of 300 hours, that  
13 incorporates appropriate school assessment of student knowledge  
14 and skills and that provides a minimum of 1,000 hours of hands-on  
15 experience in pet grooming; or has a minimum of 1,000 hours of  
16 hands-on experience in pet grooming and successfully passes a  
17 pet grooming certification test established by the council.

18 (3) All fees required by the council have been paid.

19 (c) The council shall issue a certificate to an applicant who  
20 meets the qualifications of this article and who holds a current and  
21 valid registration, certification, or license from any other state  
22 whose licensure requirements meet or exceed those defined within  
23 this article. The council shall have discretion to give credit for  
24 comparable academic work completed by an applicant in a program  
25 outside of California.

26 (d) An applicant applying for a pet bather and brusher certificate  
27 shall file with the council a written application provided by the  
28 council, showing to the satisfaction of the council that he or she  
29 meets both of the following requirements:

30 (1) The applicant is 18 years of age or older.

31 (2) Any of the following:

32 (A) The applicant has successfully completed, ~~at an approved~~  
33 ~~school,~~ a curriculum, *approved by the council*, in pet grooming  
34 and related subjects, totaling a minimum of 300 hours, that  
35 incorporates appropriate school assessment of student knowledge  
36 and skills.

37 (B) The applicant has a minimum of 300 hours of training under  
38 the supervision of a certified pet groomer.

39 (C) The applicant has successfully completed a pet grooming  
40 certification test established by the council.

1 (e) Prior to the issuance of a certificate by the council, every  
2 applicant shall provide proof that he or she is insured against  
3 negligent acts associated with his or her activity as a pet groomer.

4 (f) Any certification issued under this article shall be subject to  
5 renewal every two years in a manner prescribed by the council,  
6 and shall expire unless renewed in that manner. The council may  
7 provide for the late renewal of a license.

8 4918.3. (a) The council may discipline a certificate holder by  
9 any, or a combination, of the following methods:

10 (1) Placing the certificate holder on probation.

11 (2) Suspending the certificate and the rights conferred by this  
12 article on a certificate holder for a period not to exceed one year.

13 (3) Revoking the certificate.

14 (4) Suspending or staying the disciplinary order, or portions of  
15 it, with or without conditions.

16 (5) Taking other action as the council, as authorized by this  
17 article or its bylaws, deems proper.

18 (b) The council may issue an initial certificate on probation,  
19 with specific terms and conditions, to any applicant.

20 (c) (1) Notwithstanding any other law, if the council receives  
21 notice that a certificate holder has been arrested and charges have  
22 been filed by the appropriate prosecuting agency against the  
23 certificate holder alleging a violation of subdivision (b) of Section  
24 597 of the Penal Code or any requirement of Section 4918.12, the  
25 council shall take all of the following actions:

26 (A) Immediately suspend, on an interim basis, the certificate of  
27 that certificate holder.

28 (B) Notify the certificate holder within 10 days at the address  
29 last filed with the council that the certificate has been suspended,  
30 and the reason for the suspension.

31 (C) Notify any business within 10 days that the council has in  
32 its records as employing the certificate holder that the certificate  
33 has been suspended.

34 (2) Upon notice to the council that the charges described in  
35 paragraph (1) have resulted in a conviction, the suspended  
36 certificate shall become subject to permanent revocation. The  
37 council shall provide notice to the certificate holder within 10 days  
38 that it has evidence of a valid record of conviction and that the  
39 certificate will be revoked unless the certificate holder provides

1 evidence within 15 days that the conviction is either invalid or that  
2 the information is otherwise erroneous.

3 (3) Upon notice that the charges have resulted in an acquittal,  
4 or have otherwise been dismissed prior to conviction, the certificate  
5 shall be immediately reinstated and the certificate holder and any  
6 business that received notice pursuant to subparagraph (C) of  
7 paragraph (1) shall be notified of the reinstatement within 10 days.

8 4918.4. (a) Upon the request of any law enforcement agency,  
9 the council shall provide information concerning a certificate  
10 holder, including, but not limited to, the current status of the  
11 certificate, any history of disciplinary actions taken against the  
12 certificate holder, the home and work addresses of the certificate  
13 holder, and any other information in the council's possession that  
14 is necessary to verify facts relevant to an investigation being  
15 conducted by a law enforcement agency.

16 (b) The council shall accept information provided by any law  
17 enforcement agency or any other representative of a local  
18 government agency. The council shall have the responsibility to  
19 review any information received and to take any actions authorized  
20 by this article that are warranted by that information.

21 4918.5. It is a violation of this article for a certificate holder  
22 to commit, and the council may deny an application for a certificate  
23 or discipline a certificate holder for committing, any of the  
24 following:

25 (a) Unprofessional conduct, including, but not limited to, denial  
26 of licensure, revocation, suspension, restriction, or any other  
27 disciplinary action against a certificate holder by another state or  
28 territory of the United States, by any other government agency, or  
29 by another professional licensing board established under this  
30 division. A certified copy of the decision, order, or judgment shall  
31 be conclusive evidence of these actions.

32 (b) Procuring a certificate by fraud, misrepresentation, or  
33 mistake.

34 (c) Violating or attempting to violate, directly or indirectly, or  
35 assisting in or abetting the violation of, or conspiring to violate,  
36 any provision or term of this article or any rule or bylaw adopted  
37 by the council.

38 (d) Conviction of any felony, or conviction of a misdemeanor  
39 that is substantially related to Section 597 of the Penal Code, in

1 which event the record of the conviction shall be conclusive  
2 evidence of the crime.

3 (e) Impersonating an applicant or acting as a proxy for an  
4 applicant in any examination referred to under this article for the  
5 issuance of a certificate.

6 (f) Committing any fraudulent, dishonest, or corrupt act that is  
7 substantially related to the qualifications or duties of a certificate  
8 holder.

9 4918.6. (a) No certificate holder or certificate applicant may  
10 be disciplined or denied a certificate pursuant to Section 4918.5  
11 except according to procedures satisfying the requirements of this  
12 section. A denial or discipline not in accord with this section or  
13 subdivision (c) of Section 4918.3 shall be void and without effect.

14 (b) Any denial of a certificate to an applicant or any discipline  
15 imposed on a certificate holder shall be done in good faith and in  
16 a fair and reasonable manner. Any procedure that conforms to the  
17 requirements of subdivision (c) is fair and reasonable, but a court  
18 may also find other procedures to be fair and reasonable when the  
19 full circumstances of the certificate denial or certificate holder  
20 discipline are considered.

21 (c) A procedure is fair and reasonable when the procedures in  
22 subdivision (c) of Section 4918.3 are followed, or if all of the  
23 following apply:

24 (1) The procedure has been set forth in the articles or bylaws,  
25 or copies of the procedure are sent annually to all the members as  
26 required by the articles or bylaws.

27 (2) The procedure provides for the giving of 15 days' prior  
28 notice of the denial or discipline and the reasons therefor.

29 (3) The procedure provides an opportunity for the certificate  
30 applicant or certificate holder to be heard, orally or in writing, not  
31 less than five days before the effective date of the denial or  
32 discipline by a person or body authorized to decide that the  
33 proposed denial or discipline not take place.

34 (d) Any notice required under this section may be given by any  
35 method reasonably calculated to provide actual notice. Any notice  
36 given by mail must be given by first-class or certified mail sent to  
37 the last address of the certificate applicant or certificate holder  
38 shown on the council's records.

39 (e) Any action challenging a certificate denial or certificate  
40 holder discipline, including any claim alleging defective notice,

1 shall be commenced within one year after the date of the certificate  
2 denial or certificate holder discipline. If the action is successful,  
3 the court may order any relief, including reinstatement, that it finds  
4 equitable under the circumstances.

5 (f) This section governs only the procedures for certificate denial  
6 or certificate holder discipline and not the substantive grounds  
7 therefor. A certificate denial or certificate holder discipline based  
8 upon substantive grounds that violates contractual or other rights  
9 of the member or is otherwise unlawful is not made valid by  
10 compliance with this section.

11 (g) The council shall be sued only in the venue of its principal  
12 office.

13 4918.7. It shall be the responsibility of any certificate holder  
14 to notify the council of his or her home address, as well as the  
15 address of any business establishment where he or she regularly  
16 works as a pet groomer or pet bather and brusher, whether as an  
17 employee or as an independent contractor. A certificate holder  
18 shall notify the council within 30 days of changing either his or  
19 her home address or the address of the business establishment  
20 where he or she regularly works as a pet groomer or pet bather  
21 and brusher.

22 4918.8. A certificate holder shall include the name under which  
23 he or she is certified and his or her certificate number in any and  
24 all advertising and shall display his or her certificate at his or her  
25 place of business.

26 4918.9. (a) Notwithstanding Section 4918.2, the council may  
27 grant a pet groomer or a pet bather and brusher certificate to any  
28 person who applies on or before January 1, 2013, with one of the  
29 following:

30 (1) A current valid pet grooming permit or license from a  
31 California city, county, or city and county and documentation  
32 evidencing that the person has provided at least 500 hours of pet  
33 grooming services to members of the public for compensation.

34 (2) Documentation evidencing that the person has completed  
35 at least a 100-hour pet grooming curriculum and has provided at  
36 least 500 hours of pet grooming services to members of the public  
37 for compensation. For purposes of this subdivision, evidence of  
38 practice shall include either of the following:

39 (A) A W-2 form or employer's affidavit containing the dates  
40 of the applicant's employment.



1 (B) Tax returns indicating self-employment as a pet groomer,  
2 pet bather and brusher, or any other title that may demonstrate  
3 experience in the field of pet grooming.

4 (b) After reviewing the information submitted under subdivision  
5 (a), the council may require additional information necessary to  
6 enable it to determine whether to issue a certificate.

7 (c) (1) A person applying for a pet groomer certificate on or  
8 before January 1, 2013, who meets the educational requirements  
9 of paragraph (2) of subdivision (a), but who has not completed the  
10 required number of practice hours prior to submitting an application  
11 pursuant to this section, may apply for a conditional certificate.

12 (2) An applicant for a conditional certificate shall, within five  
13 years of being issued the conditional certificate, be required to  
14 complete at least 30 hours of additional education per year from  
15 schools or courses described in paragraph (5) until he or she has  
16 completed a total of at least 300 hours of education, which may  
17 include hours previously completed in a pet grooming curriculum  
18 described in paragraph (2) of subdivision (a).

19 (3) Upon successful completion of the requirements of this  
20 subdivision, the council shall issue a certificate to the person that  
21 is not conditional.

22 (4) A conditional certificate issued to any person pursuant to  
23 this subdivision shall immediately be nullified, without need for  
24 further action by the council, if the time period specified in  
25 paragraph (2) expires without proof of completion of the  
26 requirements having been filed with the council.

27 (5) Any additional education required by this section may be  
28 completed through any of the following:

29 (A) An approved curriculum.

30 (B) A provider approved by, or registered with, the council or  
31 the Department of Consumer Affairs.

32 (C) A provider that establishes to the satisfaction of the council  
33 that its curriculum is an appropriate educational program for this  
34 purpose.

35 (d) Nothing in this section shall preclude the council from  
36 exercising any power or authority conferred by this article with  
37 respect to a conditional certificate holder.

38 ~~4918.10. Except as provided in this article, it is unlawful for~~  
39 ~~any person to engage in pet grooming for compensation without~~  
40 ~~a valid, unexpired certificate issued by the council.~~

1     4918.11. (a) It is an unfair business practice for any person to  
2     state, *to hold himself or herself out*, or advertise or put out any  
3     sign or card or other device, or to represent to the public through  
4     any print or electronic media, that he or she is certified, registered,  
5     or licensed by a governmental agency as a pet groomer or pet  
6     bather and brusher without meeting the requirements of this article.

7     (b) *The superior court in and for the county in which any person*  
8     *acts as a pet groomer in violation of the provisions of this chapter*  
9     *may, upon a petition by any person, issue an injunction or other*  
10    *appropriate order restraining the conduct. The proceedings under*  
11    *this paragraph shall be governed by Chapter 3 (commencing with*  
12    *Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.*

13    (c) *A violation of this article shall not be subject to Section*  
14    *4831.*

15    4918.12. ~~(a) The primary concern of every certified pet~~  
16    ~~groomer or pet bather and brusher shall be the safety and well-being~~  
17    ~~of the pets in his or her care.~~

18    ~~(b) A certificate holder shall comply with all of the following~~  
19    ~~requirements:~~

20    ~~(1) Pets not in the grooming process shall be kept in a~~  
21    ~~structurally sound and clean cage. Each enclosure shall be in good~~  
22    ~~repair and large enough to allow each pet to make normal postural~~  
23    ~~adjustments, including sitting, standing, and turning around. Each~~  
24    ~~pet shall be caged separately, except that pets from the same~~  
25    ~~household may be caged together with the owner's consent.~~

26    ~~(2) Outdoor facilities shall not be utilized in inclement weather~~  
27    ~~and indoor facilities shall be maintained at a healthy temperature.~~

28    ~~(3) There shall be sufficient lighting to facilitate the cleaning~~  
29    ~~of pets and facilities.~~

30    ~~(4) The pet grooming facility of the licensee shall maintain~~  
31    ~~sanitary conditions at all times.~~

32    ~~(5) There shall be an adequate water supply available for~~  
33    ~~drinking.~~

34    ~~(6) Pets shall not be left unattended while at a pet grooming~~  
35    ~~facility.~~

36    ~~(7) A drying cage shall meet all of the following conditions:~~

37    ~~(A) Contain no heat air dryers.~~

38    ~~(B) Be kept clean and sanitary.~~

39    ~~(C) Be large enough to comfortably contain the pet.~~

1 ~~(e) Every certificate holder shall display a copy of his or her~~  
2 ~~pet groomer's certificate and the telephone number of the council~~  
3 ~~where the owner of the pet may make complaints regarding the~~  
4 ~~services received from the certificate holder.~~

5 ~~(d) Every certificate holder shall maintain insurance against~~  
6 ~~negligent acts associated with his or her activity as a pet groomer.~~

7 ~~(e) Every certificate holder shall keep a record for each pet~~  
8 ~~receiving grooming services, which shall include all of the~~  
9 ~~following:~~

10 ~~(1) The first and last name of the owner of the pet.~~

11 ~~(2) The address and telephone number of the owner of the pet.~~

12 ~~(3) The name of the pet.~~

13 ~~(4) The name of the veterinarian of the pet.~~

14 ~~(5) Any allergies or special needs the pet may have, as reported~~  
15 ~~by the owner of the pet.~~

16 ~~(6) The date or dates that the pet received grooming services.~~

17 ~~(7) The services that were performed, including a list of any~~  
18 ~~chemicals used while performing the services and any medical~~  
19 ~~conditions discovered during the performance of services.~~

20 ~~(8) When the pet receiving services is a dog, proof that the dog~~  
21 ~~has received vaccinations against parvo, distemper, bordatella, and~~  
22 ~~rabies. When the pet receiving services is a cat, proof that the cat~~  
23 ~~has received a vaccination against rabies.~~

24 ~~(f) Records for each pet shall be maintained for two years and~~  
25 ~~shall be available for inspection by the council or the council's~~  
26 ~~authorized agents during regular business hours.~~

27 ~~4918.13. The~~ *For purposes of certification, the* ~~council shall~~  
28 ~~approve all schools or institutions offering a curriculum for training~~  
29 ~~pet groomers. Application forms for schools a curriculum provider~~  
30 ~~requesting approval shall be furnished by the council. Approval~~  
31 ~~by the council shall be for a two-year period. Reapplication for~~  
32 ~~approval by the council shall be made at the end of the two-year~~  
33 ~~period.~~

34 ~~4919. (a) Students engaged in performing grooming services~~  
35 ~~while enrolled in a school curriculum approved by the council~~  
36 ~~shall not be required to be certified under this article if they perform~~  
37 ~~those services under the appropriate supervision at the approved~~  
38 ~~school in which they are enrolled of a certified pet groomer.~~

39 ~~(b) Individuals engaged in performing grooming services while~~  
40 ~~not enrolled in a school curriculum approved by the council shall~~

1 not be required to be certified under this article if they perform  
2 those services under the direct supervision of a certified pet  
3 groomer and while in training for the pet groomer's examination.

4 4919.5. (a) Every application for admission to examination  
5 and certification shall be in writing, on forms prepared and  
6 furnished by the council.

7 (b) Each application shall be accompanied by the required fee,  
8 and shall contain proof of the qualifications of the applicant for  
9 examination and certification. It shall be verified by the oath of  
10 the applicant. Every applicant shall, as a condition of admittance  
11 to the examination facility, present satisfactory proof of  
12 identification. Satisfactory proof of identification shall be in the  
13 form of a valid, unexpired driver's license or identification card,  
14 containing the photograph of the person to whom it was issued,  
15 issued by any state, federal, or other government entity.

16 4919.7. (a) The examination of applicants for certification  
17 shall include both a practical demonstration and a written test and  
18 shall embrace the subjects typically taught in a program approved  
19 by the council.

20 (b) The examination shall not be confined to any particular  
21 system or method. It shall be consistent in both practical and  
22 technical requirements, and of sufficient thoroughness to satisfy  
23 the board as to the applicant's skill in, and knowledge of, the  
24 practice of the occupation for which a certificate is sought.

25 (c) The scope of examinations shall be consistent with the  
26 definition of the activities licensed under this article, and shall be  
27 as the council, by regulation, may require to protect the health and  
28 safety of consumers of the services provided by certificate holders.

29 (d) The council's examinations shall be limited to job-related  
30 questions, activities, and practical services. The examinations may  
31 include other demonstrations and tests as the council, in its  
32 discretion, may require.

33 4920. All examinations shall be prepared by or under the  
34 direction of the council. The council shall establish standards and  
35 procedures governing administration and grading and shall exercise  
36 supervision as may be necessary to ensure compliance therewith.

37 4920.5. Any person who fails the pet groomer's certification  
38 examination may be eligible to retake the examination upon  
39 compliance with the provisions of this article.

1 4920.7. The council may contract or otherwise arrange for  
2 reasonably required physical accommodations and facilities to  
3 conduct examinations.

4 4921. The form and content of a certificate issued by the  
5 council shall be determined by the council.

6 4921.3. The council shall create a record of those certified  
7 pursuant to this article. The record shall include a certificate  
8 holder's first and last name, license number, and a record of any  
9 disciplinary action taken against the licensee, including the  
10 suspension or revocation of the certificate holder's pet grooming  
11 certification.

12 4921.7. Certificates issued under this article, unless specifically  
13 excepted, shall be issued for a two-year period and shall expire at  
14 midnight on the last day of the month of issuance by the council.

15 4922. Except as otherwise provided in this article, a certificate  
16 that has expired for failure of the certificate holder to renew within  
17 the time fixed by this article may be renewed at any time within  
18 five years following its expiration upon application and payment  
19 of all accrued and unpaid renewal fees, delinquency fees, and fines.  
20 Renewal under this section shall be effective on the date on which  
21 the application is filed, or on the date on which the accrued renewal  
22 fees, delinquency fee, or fines are paid, if any, whichever occurs  
23 last. If so renewed, the certificate shall continue in effect through  
24 the expiration date provided in this article which next occurs  
25 following the effective date of the renewal, when it shall expire if  
26 it is not again renewed.

27 4922.3. Except as otherwise provided in this article, a certificate  
28 which has not been renewed within five years following its  
29 expiration shall be deemed canceled and may not be renewed,  
30 restored, reinstated, or reissued thereafter. The holder of the  
31 canceled certificate may obtain a new certificate only by submitting  
32 an application, paying all required fees, and qualifying for and  
33 passing the examination that would be required if the holder were  
34 applying for the certificate for the first time.

35 4922.5. A suspended certificate is subject to expiration and  
36 shall be renewed by the certificate holder as provided in this article,  
37 but that renewal does not entitle the certificate holder, while the  
38 certificate remains suspended and before it is reinstated, to engage  
39 in the pet grooming activity, or in any other activity or conduct in

1 violation of the order or judgment by which the certificate was  
2 suspended.

3 4922.7. A revoked certificate is subject to expiration as  
4 provided in this article, but may not be renewed. If it is reinstated  
5 pursuant to an administrative or court proceeding after its  
6 expiration, the certificate holder, as a condition precedent to its  
7 reinstatement, shall pay a reinstatement fee in an amount  
8 established by the council pursuant to Section 4923.

9 4923. (a) The council shall establish ~~by regulation~~ a schedule  
10 of fees payable under this article, including, but not limited to, all  
11 of the following:

12 (1) Application and examination fees.

13 (2) Initial certification fees.

14 (3) Renewal fees.

15 (4) Reinstatement fees.

16 (5) Delinquency fees.

17 (6) Duplicate certificate fees.

18 ~~(7) Application fee for approval of a school or institution~~  
19 ~~offering a curriculum for training pet groomers.~~

20 ~~(8)~~

21 (7) Processing fee, not to exceed twenty dollars (\$20) to cover  
22 the costs of processing the application and certificate.

23 (b) No fee established pursuant to subdivision (a) shall be ~~greater~~  
24 ~~than three hundred fifty dollars (\$350) and shall not be~~ in excess  
25 of the costs to the council of administering that fee.

26 ~~(c) The council shall establish by regulation a fee for filing an~~  
27 ~~application for approval of a school or institution offering a~~  
28 ~~curriculum for training certified pet groomers pursuant to Section~~  
29 ~~4918.13 of not more than three hundred fifty dollars (\$350). The~~  
30 ~~provider shall also pay for the actual costs of an onsite inspection~~  
31 ~~conducted by the council pursuant to Section 2065.6 of Title 16~~  
32 ~~of the California Code of Regulations, including, but not limited~~  
33 ~~to, the travel, food, and lodging expenses incurred by an inspection~~  
34 ~~team sent by the board.~~

35 ~~(d) All moneys collected under this article shall be deposited~~  
36 ~~in a separate account in the Veterinary Medical Board Contingent~~  
37 ~~Fund and shall be used for the purposes of this article, subject to~~  
38 ~~appropriation by the Legislature.~~

1     ~~4923.3.— (a) The council or its authorized agents shall make~~  
2 ~~annual inspections of pet grooming facilities to ensure licensees’~~  
3 ~~compliance with this article.~~

4     ~~(b) Authority to conduct the inspections authorized by this~~  
5 ~~section may be delegated by the council to a county animal control~~  
6 ~~board, subject to the county animal control board’s acceptance of~~  
7 ~~the delegation.~~

8     ~~(c) Prior to performing an inspection authorized by this section,~~  
9 ~~an inspector shall receive training as to the provisions of this article~~  
10 ~~and in the humane treatment of animals.~~

11     ~~4923.5.— Notwithstanding Section 4918.3, any individual~~  
12 ~~engaged in pet grooming on or before December 31, 2012, may~~  
13 ~~lawfully continue pet grooming without a certificate for one year~~  
14 ~~from that date, provided that within the year the individual applies~~  
15 ~~for a certificate as provided in this article.~~

16     ~~4923.7.— This act shall become operative on April 1, 2013. The~~  
17 ~~council shall, prior to that date, adopt emergency regulations~~  
18 ~~concerning pet grooming. The adoption, amendment, repeal, or~~  
19 ~~readoption of a regulation authorized by this section is deemed to~~  
20 ~~address an emergency, for purposes of Sections 11346.1 and~~  
21 ~~11349.6 of the Government Code, and the commission is hereby~~  
22 ~~exempted for this purpose from the requirements of subdivision~~  
23 ~~(b) of Section 11346.1 of the Government Code, but shall otherwise~~  
24 ~~be subject to the review and approval of the Office of~~  
25 ~~Administrative Law. Notwithstanding any other provision of law,~~  
26 ~~all emergency regulations adopted by the commission pursuant to~~  
27 ~~this section shall remain in effect until December 31, 2013, except~~  
28 ~~to the extent that the commission exercises its power to adopt,~~  
29 ~~amend, or repeal these regulations in whole or in part.~~

30     ~~4924.— The council may impose an administrative penalty for~~  
31 ~~a violation of this article in an amount of not more than one~~  
32 ~~thousand dollars (\$1,000) per violation. The council shall collect~~  
33 ~~those penalties for deposit into the account specified in Section~~  
34 ~~4923.~~

35     ~~4924.3.— Any person, who violates, or aids or abets in violating,~~  
36 ~~any of the provisions of this article is guilty of a misdemeanor and~~  
37 ~~upon conviction thereof shall be punished by a fine of not less than~~  
38 ~~five hundred dollars (\$500), nor more than two thousand dollars~~  
39 ~~(\$2,000), or by imprisonment in a county jail for not less than 30~~  
40 ~~days nor more than one year, or by both the fine and imprisonment.~~

1     ~~SEC. 2.— No reimbursement is required by this act pursuant to~~  
2     ~~Section 6 of Article XIII B of the California Constitution because~~  
3     ~~the only costs that may be incurred by a local agency or school~~  
4     ~~district will be incurred because this act creates a new crime or~~  
5     ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
6     ~~for a crime or infraction, within the meaning of Section 17556 of~~  
7     ~~the Government Code, or changes the definition of a crime within~~  
8     ~~the meaning of Section 6 of Article XIII B of the California~~  
9     ~~Constitution.~~

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